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KILPATRICK STOCKTON LLP			BAYARD, DJENANE M	
607 14TH STREET, N.W. WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER
	.,		2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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••	Application No.	Applicant(s)			
	09/587,826	TULLER ET AL.			
Office Action Summary	Examiner	Art Unit			
	Djenane M. Bayard	2141			
The MAILING DATE of this communication a Period for Reply	appears on the cover sheet wi	th the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MO7HS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory perions for reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the may be earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNIC 1.136(a). In no event, however, may a re od will apply and will expire SIX (6) MON tute, cause the application to become AB	CATION. apply be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 23	September 2005.				
2a) ☐ This action is FINAL . 2b) ☑ Ti	This action is FINAL . 2b)⊠ This action is non-final.				
3) Since this application is in condition for allow	vance except for formal matte	ers, prosecution as to the merits is			
closed in accordance with the practice unde	r <i>Ex parte Quayl</i> e, 1935 C.D.	. 11, 453 O.G. 213.			
Disposition of Claims					
4) ☐ Claim(s) 1-41,60 and 70-91 is/are pending in 4a) Of the above claim(s) is/are withd 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-41, 60, 70-91 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and	rawn from consideration.				
Application Papers					
9)☐ The specification is objected to by the Exami	iner.				
10) The drawing(s) filed on is/are: a) a	ccepted or b) objected to b	by the Examiner.			
Applicant may not request that any objection to the	he drawing(s) be held in abeyan	ce. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the	, -	, ,			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume application from the International Bure * See the attached detailed Office action for a life.	ents have been received. ents have been received in Apriority documents have been eau (PCT Rule 17.2(a)).	pplication No received in this National Stage			
Attachment(s)					
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0 Paper No(s)/Mail Date 	Paper No(s	ummary (PTO-413))/Mail Date ıformal Patent Application (PTO-152) 			

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DETAILED ACTION

1. This is in response to amendment filed on 9/23/05 in which claims 1-41, 60 and 70-90 are pending.

Response to Arguments

- 2. Applicant failed to discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.
- In response to the statement of common ownership, the rejection has been withdrawn. However, in response to argument that the nodes are financial transaction terminal (i.e. that the network is a banking or financial network), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 1-7, 9-12, 21-27, 29-32, 41, 60, 79-80 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve V6.5 for Windows NT User Guide.

As per claim 1 and 21, Arcserve v6.5 For Windows NT User Guide in view of 1. platform-independent method for retrieving and managing data in at least one communications network having a plurality of destination nodes interconnected with communication lines, comprising: remotely accessing a communications network by a network management server coupled via the network to at least one client terminal and to a plurality of destination nodes (See page 1-2, Remarks: Arcserve V6.5 for Windows NT User Guide teaches wherein immediate, scheduled or automated backups of local or remote machines attached to a network); remotely configuring a retrieval command associated with a at least one of the destination nodes by the network management server according to at least one of a plurality of parameters with which the network management server is pre-programmed consisting at least in part of retrieval destination node selection parameters, retrieval file selection parameters, retrieval status parameters, retrieval prioritizing parameters, and retrieval schedule parameters (See pages 4-4 – 4-6 and 9-13-9-18) and ; remotely transmitting said retrieval command by the network management server to said destination node (See page 4-4, lines 1-2); allowing a user at said at least one client terminal to remotely monitor said retrieval command associated with said destination node (See pages 2-2, 2-8, 9-23 – 9-24, Remark: The Arcserve Manager program can be installed remotely on another machine to control the various Arcserve functions); remotely transmitting a response to said retrieval command from said destination node to said network management server; allowing the user at said at least one client terminal to remotely monitor said response from said destination node to said retrieval command (See page 9-23 – 9-24); and remotely storing said response from said destination node to said retrieval command by the network management server (See page 10-15). However, Arcserve V6.5 for Windows NT User

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guide fails to teach wherein the destination nodes consists at least in part of at least one self-service financial transaction terminal. However, The Office has concluded that the specific type of node, and any financial transaction terminal does not change the functionality of the retrieving and managing of data process, and any type of use may be used with a reasonable expectation of success. The specific type of node or network, and its intended use, does not patentably distinguish the claimed system.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to recognize that any type of node may be utilized. See Cf. In re Gulak, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

- 2. As per claims 2 and 22, Arcserve v6.5 for Windows NT User guide teaches remotely prioritizing said retrieval command associated with said destination node by the network management server; and remotely prioritizing said response from said destination node to said retrieval command by the destination node (See page 9-22).
- 3. As per claims 3 and 23, Arcserve v6.5 for Windows NT User guide wherein said monitoring of said response further comprises a retrieval status (See page 9-24)
- 4. As per claims 4 and 24, Arcserve v6.5 for Windows NT User guide wherein said retrieval status parameters further comprises at least one of the following parameters: never attempted; successful; not available; date out of range; failed; and in progress (See page 9-13 and 9-14).

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5. As per claims 5 and 25, Arcserve v6.5 for Windows NT User guide further comprising remotely executing an automated retrieval schedule by the network management server (See page 6-11, Remark: Arcserve v6.5 for Windows NT User guide teaches how to schedule a job to run at a later time)

- 6. As per claims 6 and 26, Arcserve v6.5 for Windows NT User guide wherein said retrieval schedule parameters further comprises at least one of the following parameters: an upload frequency; an upload schedule; and a destination directory (See pages, 6-11, 6-13 and 6-15).
- 7. As per claims 7 and 27, Arcserve v6.5 for Windows NT User guide teaches remotely constructing a response log by the network management server; remotely administering said response log by the network management server; and remotely printing said response log by the network management server (See pages 6-25 and 9-10).
- 8. As per claims 9 and 29, Arcserve v6.5 For Windows NT User Guide wherein said configuration of said retrieval command further comprises node filtering (See page 6-2).
- 9. As per claims 10 and 30, Arcserve v6.5 For Windows NT User Guide teaches wherein said new retrieval destination node selection parameters further comprises at least one of the following parameters: one or more of said destination nodes designated by a user; one or more of

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said destination nodes affiliated with a particular business; and one or more of said destination nodes affiliated with a particular business branch (See page 6-18).

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- 10. As per claims 11 and 31, Arcserve v6.5 For Windows NT User Guide wherein said retrieval destination node selection parameters further comprises; at least one of the following parameters: at least one selected day; at least one selected hour; at least one selected said destination node; at least one missed day; at least one missed hour; at least one disconnected destination node; at least one down destination node; and at least one exception-reported destination node (See page 7-32 7-42).
- 11. As per claims 12 and 32, Arcserve v6.5 For Windows NT User Guide teaches wherein said file selection parameters further comprises at least one of the following parameters: file type; file type name-, and archive directory (See page 5-9).
- 12. As per claims 41 and 60, Arcserve v6.5 for Windows NT User Guide teaches allowing the user at the at least one client terminal to remotely configure a user request to the network node via the network node via the network management server (See page 2-2)
- 13. As per claim 79, Arcserve v6.5 For Windows NT User Guide teaches a platform-independent system for retrieving and managing data in at least one communications network having a plurality of destination nodes interconnected with communication lines, comprising: a network automated information retrieval system coupled to at least one

communications network having a plurality of nodes (See page 1-2) an interactive user module coupled with a network management system server connected to said communications network having a plurality of nodes (See page 1-3); wherein the network management system server is pre-programmed for remotely configuring a retrieval command associated with a at least one of the nodes according to at least one of a plurality of parameters consisting at least in part of retrieval node selection parameters retrieval file selection parameters retrieval status parameters, retrieval prioritizing parameters, and retrieval schedule, parameters for transmitting said retrieval command to said node and for receiving a response to said retrieval command from said node(See pages 4-4 – 4-6 and 9-13 – 9-18); and a plurality of client terminals coupled to said interactive user module for allowing user interaction with said network automated information retrieval systems said interaction consisting of at least one of remotely monitoring said retrieval command associated with said node by the user, remotely monitoring said response from said node to said retrieval command by the user, and remotely configuring a user request to the network node via the network management server (See page 1-3). However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein the plurality of nodes consists at least in part of at least one self-service financial transaction terminal;

However, The Office has concluded that the specific type of node, and any financial transaction terminal does not change the functionality of the retrieving and managing of data process, and any type of use may be used with a reasonable expectation of success. The specific type of node or network, and its intended use, does not patentably distinguish the claimed system.

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to recognize that any type of node may be utilized. See Cf. In re Gulak, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

- 14. As per claim 80, Arcserve V6.5 for Windows NT User guide teaches wherein said interactive user module is communicated by a service application of said automated information retrieval system to said network management system server (See page 1-3).
- 15. As per claim 82, Arcserve V6.5 for Windows NT User guide teaches wherein said communications network further comprises memory (See page 2-5).
- 16. As per claim 83, Arcserve V6.5 for Windows NT User Guide teaches wherein said communications network further comprises at least one database stored in memory (See page 1-5).
- 17. As per claim 84, Arcserve V6.5 for Windows NT User guide teaches, wherein said communications network further comprises at least one database processor capable of processing data contained in said database (See page 2-5).
- 18. As per claim 85, Arcserve V6.5 for Windows NT User guide teaches further comprising a request to said automated information retrieval system (See page 1-3).

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19. As per claim 86, Arcserve V6.5 for Windows NT User guide teaches wherein said request is communicated to said automated information retrieval system by said user interaction with said interactive user module (See page 1-3).

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- 20. As per claim 87, Arcserve V6.5 for Windows NT User guide teaches wherein said interactive user module comprises at least one of the following user modules selected from a group of user modules comprising: an administrator module; an operator module; a help module; and a status module (See page 1-3).
- 21. As per claim 88, Arcserve V6.5 for Windows NT User guide teaches wherein said request further comprises a retrieval command to query at least one destination node in real-time (See page 9-23).
- 22. As per claim 89, Arcserve V6.5 for Windows NT User guide teaches means for said plurality of network nodes to transmit a response to said request means for processing said response from said plurality of network nodes to said request; and means for storing said response from said plurality of network nodes to said request. (See page 1-3, 1-5 and 10-15).
- 23. As per claim 90, Arcserve V6.5 for Windows NT User guide teaches means for constructing a response log, wherein said response log comprises a plurality of responses from

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said plurality of network nodes to said request (See page 10-19); means for administering said response log (See page 10-21); and means for printing said response log (See page 9-10)

As per claim 91, Arcserve v6.5 For Windows NT User Guide teaches a computer-24. implemented method for retrieving and managing data from a plurality of automated teller machines over a network, comprising: pre-defining operational parameters for uploading files from the plurality of automated teller machines to a network management server according to any of a single selected day for a retrieval period, a number of days in a retrieval period, a day and time for a retrieval period, a selection of automated teller machines for a retrieval period, missed days in a retrieval period, automated teller machines that were unavailable during a retrieval period, and automated teller machines that reported an exception during a retrieval period (See pages 7-32-7-35); identifying files on at least one of the automated teller machines by the network management server which has not been previously uploaded during a file retrieval period (See page 7-24); prioritizing the identified files by the network management server according to pre-defined priority rules for uploading files from the automated teller machines to the network management server; uploading the identified files from the at least one of the automated teller machines over the network by the network management server according to the pre-defined operational parameters and priority rules, logging the uploaded files by the network management server (See page 9-22); and providing access to the logs on the network management server to at least one user at a client terminal via a graphical user interface (See pages 9-23 – 9-25). However, Arcserve V6.5 for Windows NT User guide fails to teach wherein the destination nodes consists at least in part of at least one self-service financial transaction

terminal. However, The Office has concluded that the specific type of node, and any financial transaction terminal does not change the functionality of the retrieving and managing of data process, and any type of use may be used with a reasonable expectation of success. The specific type of node or network, and its intended use, does not patentably distinguish the claimed system.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to recognize that any type of node may be utilized. See Cf. In re Gulak, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

- 6. Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve V6.5 for Windows NT User Guide as applied to claim 1 above, and further in view of U.S. Patent U.S. Patent No. 6,513,060 to Nixon et al.
- 1. As per claims 8 and 28, Arcserve v6.5 for Windows NT user Guide teaches the claimed invention as described above. However, Arcserve v6.5 for Windows NT user Guide fails to teach wherein said plurality of parameters with which the network management server is preprogrammed further comprises at least one of the following parameters: minimum time to retry if retrieval failure, and maximum number of simultaneous retrievals.

Nixon et al teaches a system and method for monitoring informational resources.

Furthermore, Nixon et al teaches wherein said plurality of parameters with which the network management server is pre-programmed further comprises at least one of the following

parameters: minimum time to retry if retrieval failure; and maximum number of simultaneous retrievals (See col. 20, lines 34-37 and col. 23, lines 45-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said plurality of parameters with which the network management server is pre-programmed further comprises at least one of the following parameters: minimum time to retry if retrieval failure; and maximum number of simultaneous retrievals as taught by Nixon et al in the claimed invention of Arcserve v6.5 for Windows NT user Guide in order to monitor the informational resources to determine if they are accessible and to evaluate their performance (See abstract, lines 6-8).

- 7. Claims 13 and 33are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve v6.5 For Windows NT User Guide as applied to claim 1 above, in view of U.S. Patent No. 6,343,326 to Acharya et al.
- 1. As per claims 13 and 33, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said destination node further comprises a plurality of delivery system nodes.

Acharya et al teaches a system and method of transferring Internet protocol packets using fast ATM cell transport. Furthermore, Acharya et al teaches wherein said destination node further comprises a plurality of delivery system nodes (See col. 3, lines 23-25).

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said destination node further comprises a plurality of delivery system nodes as taught by Acharya et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to simultaneously deliver packets in a multicast operation (See col. 3, lines 23-25).

- 8. Claims 14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve v6.5 For Windows NT User Guide as applied to claim 1 above, in view of U.S. Patent No. 5,790,541 to Patrick et al.
- 1. As per claims 14 and 34, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said destination node further comprises a plurality of secondary system nodes.

Patrick et al teaches an apparatus, method, system and system method for distributed routing in a multipoint communication system. Furthermore, Patrick et al teaches wherein said destination node further comprise a plurality of secondary system nodes (See col. 9, lines 63-66)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said destination node further comprise a plurality of secondary system nodes as taught by Patrick et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to implement a centralized topology. (See col. 9, lines 63-66)

9. Claims 15-19 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve V6.5 For Windows NT User Guide as applied to claim 1 above, in view of U.S Patent No. 6,226,623 to Schein et al.

1. As per claims 15 and 35, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide in fails to teach wherein said destination node is an automated teller machine.

Schein et al teaches a global financial services integration system and process.

Furthermore, Schein et al teaches wherein said destination node is an automated teller machine (See col. 7, lines 20-21)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said destination node is an automated teller machine as taught by Schein et al in the claimed invention of Arcserve v6.5 for Windows NT User Guide in order to obtain a complete picture of a customer's relationship with the financial institution (See col. 7, lines 25-29).

2. As per claims 16 and 36, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said destination node is a bank server.

Schein et al teaches a global financial services integration system and process.

Furthermore, Schein et al teaches wherein destination node is a bank server (See col. 8, lines 55-60)

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein destination node is a bank server as taught by Schein et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to obtain a complete picture of a customer's relationship with the financial institution (See col. 7, lines 25-29).

3. As per claims 17 and 37, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said destination node is a communication server.

Schein et al teaches a global financial services integration system and process.

Furthermore, Schein et al teaches wherein said destination node is a communication server (See col. 8, lines 55-59)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein destination node is a communication server as taught by Schein et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to obtain a complete picture of a customer's relationship with the financial institution (See col. 7, lines 25-29).

4. As per claims 18 and 38, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said destination node is a financial server.

Schein et al teaches a global financial services integration system and process. Furthermore, Schein et al teaches wherein said destination node is a financial server (See col. 8, lines 55-59)

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein destination node is a financial server as taught by Schein et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to obtain a complete picture of a customer's relationship with the financial institution (See col. 7, lines 25-29).

As per claims 19 and 39, Arcserve v6.5 For Windows NT User Guide teaches the 5. claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said communications network is a financial institution's communications network.

Schein et al teaches a global financial services integration system and process. Furthermore, Schein et al teaches wherein said communications network is a financial institution's communications network (See abstract, lines 1-6)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein communications network is a financial institution's communications network as taught by Schein et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to integrate customer information and make the information accessible from remote locations (See abstract, lines 3-6).

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10. Claims 20 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve v6.5 For Windows NT User Guide as applied to claim 1 above, in view of U.S. Patent No. 6,236,989 to Mandyam et al.

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a. As per claims 20 and 40, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach remotely providing help mechanism to a user.

Mandyam et al teaches a network-based help architecture. Furthermore, Mandyam et al teaches remotely providing a help mechanism to a user (See col. 3, lines 60-65).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate remotely providing a help mechanism to a user as taught by Mandyam et al in the claimed invention of Arcserve v6.5 for Windows NT User Guide in order for the user to have access to required help information (See col. 4, lines 2-3).

- 11. Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve v6.5 For Windows NT User Guide as applied to claim 79 above, and further in view of U.S. Patent No. 6,609,146 to Slotznick.
- 1. As per claim 81, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein interactive user module is communicated by said service application of said automated information retrieval system to one of an internet, an intranet, or an extranet.

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Slotznick teaches wherein interactive user module is communicated by said service application of said automated information retrieval system to one of a internet, an intranet, or an extranet (See column 12, lines 52-54).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein interactive user module is communicated by said service application of said automated information retrieval system to one of a internet, an intranet, or an extranet as taught by Slotznick in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to create a client/server architecture (See col. 12, line 55-57).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

PRIMARY LITTER

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